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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM**

12 UNITED STATES OF AMERICA,) CIVIL CASE NO. 07-00022
13 Plaintiff,)
14 vs.)
15 ONE 2003 MAZDA PROTÉGÉ) ORDER
AUTOMOBILE,)
16 VIN JM1BJ245X31205914,)
17 Defendant.)

PRELIMINARY ORDER OF FORFEITURE

On August 7, 2007, a Verified Complaint of Forfeiture and Notice of Arrest was filed in
the United States District Court, for the forfeiture of an automobile, which was used to commit
and facilitate the commission of the crime of distribution of a controlled substance, in violation
of title 18, United States Code, Section 981(a)(1)(B)(i), Title 21, United States Code, Sections
841(a)(1) and 881(a)(4).

On August 14, 2007, Darrell S.C. Stewart, owner of said vehicle, was served with a filed copy of the Verified Complaint of Forfeiture and Notice of Arrest.

1 As of October 11, 2007, Mr. Stewart had not filed an answer or claim to said Verified
2 Complaint of Forfeiture. (See Attachment A).

3 **IT IS HEREBY ORDERED THAT:**

4 1. As a result of Mr. Stewart's failure to timely file an answer or claim, the defendant
5 property: a 2003 Mazda Protégé Automobile, color Silver, VIN # JM1BJ245X31205914, for
6 which the government sought forfeiture pursuant to Title 18, United States Code, Section
7 981(a)(1)(B)(i) and Title 21, United States Code, Section 881(a)(1), defendant shall be forfeited
8 to the United States.

9 2. Upon the entry of this Order, the United States Marshal Service is authorized to seize
10 the above described personal property, whether held by a defendant or by a third party, and to
11 conduct any discovery proper in identifying, locating or disposing of the property subject to
12 forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

13 3. The United States shall publish notice of the forfeiture and its intent to dispose of the
14 property as provided for by law. The United States may also, to the extent practicable, provide
15 written notice to any person known to have an alleged interest in the Subject Property.

16 4. Any person, other than the above-named defendant, asserting a legal interest in the
17 Subject Property may, within thirty (30) days of the final publication of notice or receipt of
18 notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the
19 validity of his or her alleged interest in the Subject Property, and for an amendment of the order
20 of forfeiture.

21 5. Any petition filed by a third party asserting an interest in the Subject Property shall be
22 signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the
23 petitioner's right, title or interest in the Subject Property, the time and circumstances of the
24 petitioner's acquisition of the right, title or interest in the Subject Property, any additional facts
25 supporting the petitioner's claim and the relief sought.

26 6. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and
27 before a hearing on the petition, discovery may be conducted in accordance with the Federal

1 Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve
2 factual issues.

3 7. The United States shall have clear title to the Subject Property following the Court's
4 disposition of all third-party interests, or, if none, following the expiration of the period for the
5 filing of third party petitions.

6 8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary,
7 pursuant to Fed. R. Crim. P. 32.2(e).

8 9. The Clerk of the Court shall forward four (4) certified copies of this order to Assistant
9 U.S. Attorney, Karon V. Johnson, U.S. Attorney's Office, Suite 500, Sirena Plaza, 108 Hernan
10 Cortez Avenue, Hagatna, Guam 96910.



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12
13 /s/ Frances M. Tydingco-Gatewood
14 Chief Judge
15 Dated: Oct 22, 2007
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